

DOCKET NO.: MSFT-2520/304104.01
Application No.: 09/809,731
Office Action Dated: October 21, 2004

PATENT

REMARKS/ARGUMENTS

Overview of the Office Action

Claims 1-20 have been rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Traut (U.S. Patent No. 6,651,132).

Status of the Claims/Amendments

Claims 1-20 are pending.

Claims Rejected Under 35 U.S.C. § 102(e)

Claims 1-20 have been rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Traut (U.S. Patent No. 6,651,132). However, in regard to this objection, the Examiner noted in the Official Action that “[t]his rejection under 35 U.S.C. § 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131” (Official Action, page 2, paragraph 2). Applicants commend the Examiner for recognizing the potential common inventorship of the Traut patent and the present invention.

In response, Applicants have submitted herewith, as Attachment A hereto, a Declaration of Common Inventor pursuant to 37 C.F.R. 1.132 with regard to the Traut reference. In light of this Declaration, Applicants respectfully submit that the Traut reference does not disclose an invention “by another” and thus does not constitute prior art under 35 U.S.C. § 102(e), and Applicants respectfully request that these claims be allowed to issue.

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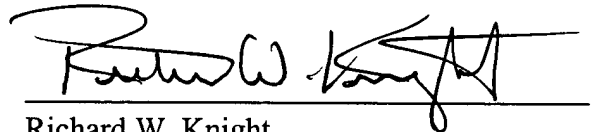
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CONCLUSION

Based on the Declaration submitted herewith, Applicants respectfully submit that the rejection of Claims 1-20 has been traversed and, accordingly, Applicants request that the rejections be withdrawn and that the claims be allowed to issue. Should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1394.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard W. Knight", is written over a horizontal line.

Richard W. Knight
Registration No. 42,751

Date: December 22, 2004

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